



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 30 1988

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: \$2 Million Exemption Request, Arkansas
Chemical Company Site, Newark, New Jersey

FROM: Lee R. Tyner *Lee R. Tyner*
Attorney
Solid Waste & Emergency Response
Division (LE-132S)

TO: J. Winston Porter
Assistant Administrator for
Solid Waste & Emergency Response (WH-562A)

THRU: Lisa K. Friedman *LK*
Associate General Counsel
Solid Waste & Emergency Response
Division (LE-132S)

We have reviewed the above-described exemption request and
do not believe that it presents any significant legal problems.

433861



REGION II \$2 M EXEMPTION/CEILING INCREASE
ARKANSAS SITE, NEWARK, NEW JERSEY

1. **ISSUE:** Region II is seeking AA/OSWER approval of a \$2 M exemption and ceiling increase request. The Region is requesting \$1,586,000 to continue removal activities at this site. If approved, the total project ceiling will be raised from \$1,986,000 to \$3,554,000, of which \$2,731,000 is for extramural cleanup contractor costs. Funds for this project are within the current regional removal allocation.
2. **BACKGROUND:** This site is an abandoned textile chemical manufacturing facility covering approximately 2 acres of a dilapidated industrial park. This site is less than 100 yards from the NJ Turnpike and less than a quarter mile west of Newark. There have been 3 reported break-ins since January. Left on-site are flammable materials and other hazardous substances. The fire/explosion and direct contact threats will continue to exist at this site until disposal of these materials occurs.
3. **ACTIONS TO BE TAKEN:** The proposed actions to be taken under this ceiling increase include removing the remaining hazardous substances and disposing of the wastes at an approved disposal facility off-site.
4. **OPTIONS:** Headquarters generally has four options when handling these types of Regional requests. The AA/OSWER can approve the request, partially approve the request, disapprove the request, or request more information, clarification, etc., before making a decision on the Regional request.
5. **TIMING:** This action memorandum with the addendum proposes to mitigate the threats to public health and the environment posed by fire/explosion and direct contact threat. Region II wants to initiate these proposed removal actions as soon as possible. Summer temperatures can intensify the possibility of the fire/explosion threat.
6. **CONSISTENCY WITH REMEDIAL MEASURES TO BE TAKEN:** This is a non-NPL site. The continued removal actions will result in total mitigation of all known human health threats and environmental hazards posed by this site.
7. **RECOMMENDATION:** OERR recommends that the AA/OSWER approve this emergency removal action with the inclusion of the clarifications made in the addendum. This action satisfies the three criteria of section 104(c) of CERCLA, which must be met before the \$2 M statutory limit for removal actions can be waived. Please indicate your decision on the addendum to the Region II action memorandum.